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DAC

OFFICE OF PETITIONS  
ATTORNEY DOCKET NO.: P-1004 #12

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Jing-Wen Tzeng

SERIAL NO: 09/513,001

FILED: February 25, 2000

FOR: Thermal Management System

:

: ART UNIT: 1775

: EXAMINER: Boss

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TC 1700

Asst. Commissioner for Patents  
Washington, D.C. 20231

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS  
FIRST-CLASS MAIL IN AN ENVELOPE ADDRESSED TO: ASST. COMMISSIONER FOR PATENTS AND TRADEMARKS,  
WASHINGTON D.C. 20231 ON THIS 11<sup>th</sup> DAY OF March 2002. BY: Came A. McKeen

**REQUEST FOR WITHDRAWAL OF HOLDING OF ABANDONMENT OR IN  
THE ALTERNATIVE, PETITION TO REVIVE**

Sir:

The applicants respectfully request that the above-identified application be revived and forwarded to the Examiner for Examination. The applicants received a Notice of Abandonment (See Exhibit A) mailed from the PTO on February 6, 2002, stating that the application is abandoned in view of applicant's failure to timely file a proper reply to the Office letter mailed on June 13, 2001. The period for response ended December 13, 2001. However, the applicants timely filed an Amendment with a three-month Extension of Time on December 7, 2001 (See Exhibit B). Attached hereto is also a Statement of Lucian Wayne Beavers confirming that the Amendment was actually filed. It is clear from Exhibits B and C that the applicants timely filed an Amendment on December 7, 2001. Copies have already been provided by fax to the Examiner. Applicants also submitted a Notice of Change of Correspondence Address on June 10, 2002 and note that the Notice of Abandonment was not mailed to the new address. Enclosed is a copy of the Notice of Change of Correspondence Address.

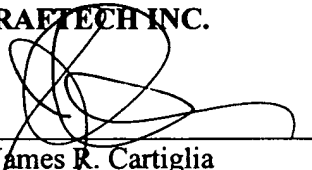
Again, the applicants respectfully request that the pending status of the application be reinstated, or in the alternative, the application be revived because the application total delay of the application up until the abandonment was unintentional and the application be sent to the Examiner for examination. It is clear from the record, especially in view of the timely response (Exhibits B and C) that the applicants did not intend for this application to be abandoned.

No fee is believed to be due with the filing of this paper. If there is any fee required with this paper, including the fee necessary for a petition to revive because the application was unintentionally permitted to become abandoned, the applicants respectfully request the Commissioner to charge the Deposit Account No. 50-1202.

A prompt and favorable action is earnestly solicited.

Respectfully submitted,

**GRAETECH INC.**

By   
James R. Cartiglia  
Reg. No. 30,738  
Tel. (302) 778-8206

JRC/cam

Enclosures:

- 1) Exh. A - Notice of Abandonment
- 2) Exh. B -Amendment
- 3) Exh. C - Statement of Lucian Wayne Beavers
- 3) Notice of Change of Correspondence Address



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UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/513,001	02/25/2000	Jing Wen Tzeng	P-1004	6948

7590 02/06/2002  
UCAR Graph-Tech Inc  
3102 West End Avenue Suite 1100  
Nashville, TN 37203



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EXAMINER

BOSS, WENDY L

ART UNIT PAPER NUMBER

1775

DATE MAILED: 02/06/2002

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Please find below and/or attached an Office communication concerning this application or proceeding.

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**Notice of Abandonment**

Application No.

09/513,001

Examiner

Wendy Boss

Applicant(s) OFFICE OF PETITIONS

TZENG, JING WEN

Art Unit

1775

- The MAILING DATE of this communication appears on the cover sheet with the correspondence address-

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 13 June 2001.
  - (a) ☐ A reply was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
  - (b) ☐ A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.  
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
  - (c) ☐ A reply was received on \_\_\_\_\_ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
  - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
  - (a) ☐ The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
  - (b) ☐ The submitted fee of \$\_\_\_\_\_ is insufficient. A balance of \$\_\_\_\_\_ is due.  
The issue fee required by 37 CFR 1.18 is \$\_\_\_\_\_. The publication fee, if required by 37 CFR 1.18(d), is \$\_\_\_\_\_.
  - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
  - (a) ☐ Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
  - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

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DEBORAH JONES  
SUPERVISORY PATENT EXAMINER

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

The below text replaces the pre-printed text under the heading, "Information on How to Effect Drawing Changes," on the back of the PTO-948 (Rev. 03/01, or earlier) form.



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## INFORMATION ON HOW TO EFFECT DRAWING CHANGES

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### 1. Correction of Informalities -- 37 CFR 1.85

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New corrected drawings must be filed with the changes incorporated therein. Identifying indicia, if provided, should include the title of the invention, inventor's name, and application number, or docket number (if any) if an application number has not been assigned to the application. If this information is provided, it must be placed on the front of each sheet and centered within the top margin. If corrected drawings are required in a Notice of Allowability (PTOL-37), the new drawings **MUST** be filed within the **THREE MONTH** shortened statutory period set for reply in the Notice of Allowability. Extensions of time may **NOT** be obtained under the provisions of 37 CFR 1.136(a) or (b) for filing the corrected drawings after the mailing of a Notice of Allowability. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

### 2. Corrections other than Informalities Noted by Draftsperson on form PTO-948.

All changes to the drawings, other than informalities noted by the Draftsperson, **MUST** be made in the same manner as above except that, normally, a highlighted (preferably red ink) sketch of the changes to be incorporated into the new drawings **MUST** be approved by the examiner before the application will be allowed. No changes will be permitted to be made other than correction of informalities, unless the examiner has approved the proposed changes.

#### Timing of Corrections

Applicant is required to submit the drawing corrections within the time period set in the attached Office communication. See 37 CFR 1.85(a)

Failure to take corrective action within the set period will result in **ABANDONMENT** of the application.

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